

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
KNOXVILLE DIVISION**

MARILYN MOORE, RYAN and LAURA )  
SPADO, CYNTHIA LOVELESS, ELLEN and )  
LARRY GILLILAND, GEROLD GALLEGOS )  
and DEBORAH CAMPBELL, ROBERT SELF )  
and DORIS LASHAY SMITH, and BRIAN and )  
DANYELLE MILLER, individually )  
and on behalf of all others similarly situated, )

Plaintiffs,

v.

CASE NO.: 3:18-cv-00410

WESTGATE RESORTS, LTD., L.P. a/k/a )  
WESTGATE RESORTS, LTD., CENTRAL )  
FLORIDA INVESTMENTS, INC., WESTGATE )  
RESORTS, INC., WESTGATE MARKETING, )  
LLC, WESTGATE VACATION VILLAS, LLC, )  
and CFI RESORTS MANAGEMENT, INC., )

Defendants.

**[PROPOSED] AMENDED SCHEDULING ORDER AND STIPULATED BRIEFING  
SCHEDULE ON ISSUES OF *DAUBERT* MOTIONS, CLASS CERTIFICATION, AND  
DISPOSITIVE MOTIONS**

The Court, having considered the parties' Joint Motion to Amend this Court's January 22, 2019 Scheduling Order [Doc. 37] and for entry of a stipulated briefing schedule on the issues of *Daubert* motions, class certification, and dispositive motions, it is hereby ORDERED that the Scheduling Order [Doc. 37] is amended to include a deadline of **December 10, 2019** for disclosure of rebuttal expert testimony and that the following stipulated briefing schedule is entered on the issues of *Daubert* motions, class certification, and dispositive motions:

1. Any objections to a proposed expert witness's qualifications, or that witness's competency to offer an expert opinion, or any objection to an expert's testimony under Federal Rules of Evidence 701 through 706 and *Daubert*, shall be filed by **January 10, 2020**. The

response to any such motion shall be filed on or before **January 24, 2020**, and any reply brief shall be filed on or before **January 31, 2020**.

2. Any motion for class certification shall be filed on or before **January 30, 2020**. A brief discussing the factors enumerated in Rule 23(a) and (b) of the Federal Rules of Civil Procedure shall be filed with any such motion. The response to any motion for class certification shall be filed on or before **February 28, 2020**, and any reply brief shall be filed on or before **March 20, 2020**.

3. All dispositive motions will be filed by **April 14, 2020**. Any motion for summary judgment filed pursuant to Rule 56, Federal Rules of Civil Procedure, must be accompanied by a separate concise statement of material facts as to which the moving party contends there is no genuine issue for trial. Each fact shall be set forth in a separate, numbered paragraph. Each fact shall be supported by a specific citation to the record. Any party opposing the motion for summary judgment must serve and file, along with that party's response to the motion for summary judgment, a response to each fact set forth by the movant either (1) agreeing that the fact is undisputed, (2) agreeing that the fact is undisputed for purposes of ruling on the motion for summary judgment only, or (3) demonstrating that the fact is disputed. Each disputed fact must be supported by specific citation to the record. The non-moving party's response may contain a concise statement of any additional facts that the non-moving party contends are material and as to which the non-moving party contends there exists a genuine issue to be tried, with each such disputed fact to be set forth in a separate, numbered paragraph with specific citations to the record supporting the contention that such fact is in dispute. If the non-moving party has asserted additional facts, the moving party shall be allowed to respond to these additional facts by filing a reply statement in the same manner and within the time permitted for

replies to the motion. The Court reserves the right *sua sponte* to STRIKE any statements of fact or responsive statements that fail to comply with these requirements. This likely will be done without affording a party a second chance to comply with these requirements. Responses to dispositive motions shall be filed by **May 12, 2020**, and any reply briefs shall be filed on or before **May 26, 2020**.

ENTERED his \_\_\_\_ day of \_\_\_\_\_, 2019.

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**JUDGE**

**APPROVED FOR ENTRY:**

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